

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

KEVYN LAMAR SMILEY,	)	
	)	
Petitioner,	)	Civil Action No. 7:21cv00537
	)	
v.	)	<b><u>MEMORANDUM OPINION</u></b>
	)	
J.C. STREEVAL,	)	By: Hon. Thomas T. Cullen
	)	United States District Judge
Respondent.	)	

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By order entered October 27, 2021, the court conditionally filed Petitioner Kevyn Lamar Smiley's petition for a writ of habeas corpus filed under 28 U.S.C. § 2241. In the conditional filing order, the court directed Smiley to either pay the filing fee, sign and return a consent to fee form, or apply to proceed *in forma pauperis*. (See ECF No. 2.) The court advised Smiley that failure to comply with the court's order within 21 days would result in the dismissal of the action without prejudice. (*Id.*) Smiley did not respond to the court's order. Because the time to respond has passed and Smiley has failed to comply with the court's order, the court will dismiss this action without prejudice.

The clerk is directed to forward a copy of this Memorandum Opinion and accompanying Order to Smiley.

**ENTERED** this 14th day of December, 2021.

/s/ Thomas T. Cullen  
HON. THOMAS T. CULLEN  
UNITED STATES DISTRICT JUDGE